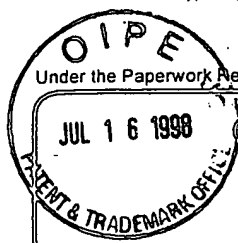


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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

| | |
|------------------------|---------------|
| Attorney Docket No. | 0245352-0013 |
| First Named Inventor | Lee et al. |
| Examiner Name | P. Kulkosky |
| Group / Art Unit | 1615 |
| Express Mail Label No. | EI985595262US |

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),
(continued prosecution application (CPA)) of prior application number 08 / 729,343,
filed on 10/16/96, entitled "Orthopedic and Dental Ceramic Implants".

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
..... 99.00 OP
..... 135.00 OP
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☒ PTO-1449
 - b. ☒ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

GAU 1615/4
13/Reg under
1.53(d)

07/20/1998 SLU:IG

01 FC:231
02 FC:202
03 FC:203
04 FC:204

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JUL 22 1998

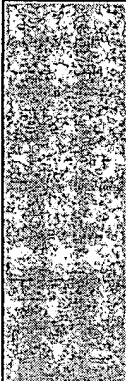


GROUP 1800

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PTO/SB/29 (1/98)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|---|--|------------------|------------------|---------------------------------|------------------|
|  | TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j)) | 29 -20* = | 9 | x \$ 22 = | \$ 198 |
| | INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i)) | 4 -3** = | 1 | x \$ 41 = | 82 |
| | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d)) | | | + \$ 135 = | 270 |
| |  | | | BASIC FEE (37 C.F.R. § 1.16) | 790 |
| |  | | | Total of above Calculations = | 1340 |
| | Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28). | | | | 670 |
| * Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent. | | | | TOTAL = | 670 |

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03 - 1721:

- a. ☒ Fees required under 37 C.F.R. § 1.16.
b. ☐ Fees required under 37 C.F.R. § 1.17.
c. ☐ Fees required under 37 C.F.R. § 1.18.

8. ☒ A check in the amount of \$ 670 is enclosed.

9. ☒ Other: Exhibits I through VII
Petition for a One Month Extension of Time

NOTE:

The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

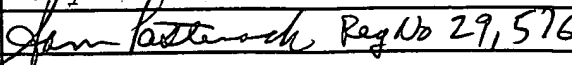
Fax

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)

Mary Rose Scozzafava

Signature



Registration No. (Attorney/Agent)

36,268

Date

July 16, 1998



15/Pre B
w/att

EXPRESS MAIL LABEL NO: EI985595262US PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee et al. Art Unit: 1615
Serial No: 08/729,343 Examiner: P. Kulkosky
Filed: October 16, 1998
For: ORTHOPEDIC AND DENTAL CERAMIC IMPLANTS

Be
7-23-98

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, D.C. 20231

Sir:

PRELIMINARY AMENDMENT

In response to the Office Action mailed March 16, 1998, please preliminarily amend the above-identified application as follows.

In the claims.

Sub B1
1. (Twice amended) A method for treating a bone defect, comprising:
identifying a bone site suitable for receiving an implant; and
introducing a strongly resorbable, synthetic poorly crystalline apatitic (PCA)
calcium phosphate at the implant site, whereby the implanted [poorly crystalline apatitic]
PCA calcium phosphate is resorbed with a resorption rate characterized in that, when
placed in a rat intramuscular site, at least 1 g of the PCA calcium phosphate is at least 80%
resorbed within one year, and bone is formed at the implant site.

Sub C4
2. (Twice amended) A method for treating a bone defect, comprising:
identifying a bone site suitable for receiving an implant; [and]
introducing a hydrated precursor at the implant site, the hydrated precursor
comprising an amorphous calcium phosphate and a promoter[,]; and
[whereby] converting the hydrated precursor [is converted] in vivo at the implant
site to a hardened poorly crystalline apatitic (PCA) calcium phosphate, [and] whereby bone
is formed at the implant site.

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